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SUBJECT: PRESIDENT'S LAWYER INSISTS LAHOUD WILL LEAVE

Classified By: Ambassador Jeffrey D. Feltman for reasons: section 1.4 (b), (d)

11. Summary: (S) President Emile Lahoud's legal advisor Selim Jerissaiti insisted that Lahoud plans to leave the presidential palace at the end of his mandate on November 24 and will do so without taking what Jerissaiti admitted would be the unconstitutional step of appointing a second government. He agreed that Hizballah SYG Nasrallah's fiery speech of November 11 was designed in part to get Lahoud to reconsider and said Lahoud is under tremendous pressure, but will go home when his term ends. End Summary.

12. (S) Over lunch with Ambassador and DCM on November 13, Judge Selim Jerissaiti, legal advisor to President Emile Lahoud, insisted that, as he has told us before, Lahoud still plans on leaving Baabda Palace at the end of his mandate on November 24. He added that Lahoud will not take what Jerissaiti admitted would be the unconstitutional step of appointing a second government. He claimed that Lahoud's personal effects already have been packed up for transfer to the new house Lahoud has obtained. We probed and prodded Jerissaiti, who said he had advised Lahoud that he could stay on as president if certain conditions were met: a popular appeal from a cross-confessional, significant part of the Lebanese population (easy enough for Hizballah and Aoun to fulfill), failure by the parliament to have elected a president despite having met (very plausible), and some kind of cover for Maronite Patriarch Sfeir (hard to achieve, as Sfeir opposes an extension). Jerissaiti claimed that Lahoud had reacted to this argument by saying it was impossible that all of the conditions could be fulfilled, and he would not seek to stay.

13. (S) Jerissaiti agreed that Hizballah SYG Hassan Nasrallah's fiery November 11 speech, which included clear references to Lahoud staying on, was designed in part to persuade Lahoud to reconsider, and he claimed that Lahoud is under tremendous pressure from Syria and pro-Syrian forces. He said that Hizballah's preferred options are for Lahoud to name a second, transitory cabinet with Michel Aoun at its helm or some kind of military cabinet led by Lebanese Armed Forces commander General Michel Sleiman. Lahoud refuses to name a second cabinet and told the Syrians so, Jeressaiti said, citing his own legal arguments to Lahoud as determining factors. Jeressaiti was less emphatic against a military government, saying in response to our questions that if there were an impasse over the presidency and all the political actors came to Lahoud asking him to appoint LAF commander

Sleiman as head of the cabinet, Lahoud likely would do so.

¶4. (S) Asked about Lahoud's preferences to be his successor, Jerissaiti claimed that he and Lahoud supports the initiative of the Patriarch who has submitted a list of five or six presidential candidates to Speaker Nabih Berri and Majority leader Saad Hariri. "The Patriarch's list is our list" he said.

¶5. (S) Comment: Although Jerissaiti claimed that Lahoud determined the conditions for an extension could never be fulfilled, we are not so sure. Hizballah and Aoun could generate a popular appeal from a significant, cross-confessional part of the population. Patriarch Sfeir's objections to the extension could be covered if violence broke out -- or, more correctly, were provoked by March 8 -- and the Patriarch issued some kind of appeal that could be interpreted as giving Lahoud the cover he needs to extend or giving LAF commander Sleiman the cover to intervene. In other words, we will believe that Emile Lahoud will leave Baabda Palace on time, and without naming a second cabinet or military government, when he actually leaves Baabda Palace on time and without taking those steps.
End comment.
FELTMAN